UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPHERE 3D CORP.,

                Plaintiff,

        v.

GRYPHON DIGITAL MINING, INC.,

                Defendant.

Index No. _____

<u>SUMMONS IN A CIVIL ACTION</u>

TO THE ABOVE-NAMED DEFENDANTS:

     Gryphon Digital Mining, Inc.
     5953 Mabel Road, Unit 138
     Las Vegas, NV 89110

     A lawsuit has been filed against you.

     Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

     Sphere 3D Corp.
     c/o Dontzin Nagy & Fleissig
     980 Madison Avenue
     New York, NY 10075

     If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk of Court:

Date: _____

Civil Action No.

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

- I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

- I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

- I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

- I returned the summons unexecuted because _____ ; or

Other *(specify):*

_____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ __0.00__ .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc: